

VIRGINIA:

An organizational meeting of the Lancaster County Board of Supervisors was held at the courthouse of said county on Wednesday, January 2, 2002.

Present: F. W. Jenkins, Chairman
Cundiff H. Simmons, Vice Chair
Donald O. Conaway, Board Member
Patrick G. Frere, Board Member
B. Wally Beauchamp, Board Member
William H. Pennell, Jr., County Administrator

Others

Present: James Cornwell, County Attorney; Robert Mason, Rappahannock
Record

Mr. Jenkins called the meeting to order at 6:00 p.m.

ELECTION OF OFFICERS

Mr. Jenkins opened the nominations for the election of the 2002 Chairman of the Board of Supervisors.

Mr. Simmons nominated Mr. Beauchamp to serve as Chairman of the Board for 2002.

Mr. Beauchamp nominated Mr. Simmons to serve as Chairman of the Board for 2002.

VOTE: (Beauchamp nomination) 4 Aye (Jenkins, Frere, Conaway and Simmons)

VOTE: (Simmons nomination) 1 Aye (Beauchamp)

Mr. Beauchamp was elected Chairman for calendar year 2002.

Mr. Beauchamp assumed the chair for the remainder of the meeting.

Vice Chairman - Mr. Jenkins nominated Mr. Conaway to serve as Vice Chairman of the Board for 2002.

Motion was made by Mr. Beauchamp to close nominations. VOTE: 5 – 0 Aye

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Conaway was elected Vice Chairman for calendar year 2002.

MEETING DATES

Motion was made by Mr. Jenkins to accept the following dates for the meetings of the Board of Supervisors in calendar year 2002. Each meeting will be held at 7:00 p.m. in the General District Courtroom.

January 31	April 25	July 25	October 31
February 28	May 30	August 29	November 25
March 28	June 27	September 26	December 30

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

COMMITTEE APPOINTMENTS

Planning Commission – Mr. Conaway nominated Mr. Frere to serve on the Planning Commission.

Mr. Jenkins nominated Mr. Simmons to serve on the Planning Commission.

Motion was made by Mr. Conaway to close nominations.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

VOTE: (Frere nomination) 2 Aye (Frere and Conaway), 3 Nay (Jenkins, Beauchamp and Simmons)

VOTE: (Simmons nomination) 3 Aye (Jenkins, Beauchamp and Simmons) 2 Nay (Frere and Conaway)

Mr. Simmons was elected to serve on the Planning Commission for the calendar year 2002.

Planning District Commission – Mr. Simmons nominated Mr. Beauchamp to serve on the Planning District Commission.

Mr. Jenkins nominated Mr. Conaway to serve on the Planning District Commission.

Mr. Conaway nominated Mr. Frere as an alternate to serve on the Planning District Commission.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Beauchamp and Mr. Conaway elected as members and Mr. Frere as alternate to serve on the Planning District Commission for the calendar year 2002.

Social Services Board – Mr. Simmons nominated Mr. Jenkins to serve on the Social Services Board.

Mr. Frere nominated Mr. Conaway to serve on the Social Services Board.

Motion was made by Mr. Beauchamp to close nominations.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

VOTE: (Jenkins nomination) 3 Aye (Jenkins, Beauchamp and Simmons) 2 Nay (Frere and Conaway)

VOTE: (Conaway nomination) 2 Aye (Frere and Conaway), 3 Nay (Jenkins, Beauchamp and Simmons)

Mr. Jenkins was elected to serve on the Social Services Board for the calendar year 2002.

Emergency Services Director - Mr. Jenkins nominated Mr. Beauchamp to serve as Emergency Services Director.

Motion was made by Mr. Conaway to close nominations.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Beauchamp was elected to serve as Emergency Services Director for the calendar year 2002.

Historic Resources Commission – Mr. Frere nominated Mr. Beauchamp to serve on the Historic Resources Commission.

Motion was made by Mr. Simmons to close nominations. VOTE: 5 – 0 Aye.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Beauchamp was elected to serve on the Historic Resources Commission for the calendar year 2002.

VACo Representative/Legislative Contact - Mr. Frere nominated Mr. Simmons to serve as VACo Representative/Legislative Contact.

Motion was made by Mr. Beauchamp to close nominations. VOTE: 5 – 0 Aye.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Simmons was elected to serve as VACo Representative/Legislative Contact for the calendar year 2002.

Youth Club of Lancaster County - Mr. Simmons nominated Mr. Frere to serve on the Youth Club of Lancaster County.

Motion was made by Mr. Conaway to close nominations. VOTE: 5 – 0 Aye.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Frere was elected to serve on the Youth Club of Lancaster County for the calendar year 2002.

Finance Steering Committee - The chairman is designated as one member of this committee. Mr. Simmons nominated Mr. Jenkins to serve on the Finance Steering Committee.

Motion was made by Mr. Jenkins to close nominations. VOTE: 5 – 0 Aye.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Jenkins was elected to serve on the Finance Steering Committee for the calendar year 2002.

Rappahannock River Basin Commission - Mr. Beauchamp nominated Mr. Jenkins to serve on the Rappahannock River Basin Commission.

Motion was made by Mr. Conaway to close nominations. VOTE: 5 – 0 Aye.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Jenkins was elected to serve on the Rappahannock River Basin Commission for the calendar year 2002.

Northern Neck – Chesapeake Bay Region Partnership - Mr. Frere nominated Mr. Jenkins to serve as Board Representative to Northern Neck – Chesapeake Bay Region Partnership.

Motion was made by Mr. Frere to close nominations. VOTE: 5 – 0 Aye.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Jenkins was declared the Board Representative to Northern Neck – Chesapeake Bay Region Partnership for the calendar year 2002.

BY-LAWS AND RULES OF ORDER

Mr. Jenkins made a motion to adopt the By-Law and Rules of Order as follows:

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Lancaster County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure not covered, the latest edition of Robert's Rules of Order shall apply.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.

4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time to be set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular meeting, until all business is completed. The regular meetings of the Board shall be held at the Courthouse in Lancaster. If the Board finds it necessary to hold a regular meeting at a time or public place different from the Courthouse, such new time and place may be designated by duly passed resolution posted on the door of the Courthouse and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the county administrator (clerk of the board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the board, shall immediately notify each member of the board of supervisors and the county attorney in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the board of supervisors attend the special meeting or sign a waiver (§15.2-1418).

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act which provides explicit directions for holding open meetings.

An "open meeting" or "public meeting" means a meeting at which the public may be present to observe the operations of government.

6. Closed Meetings. A "closed meeting" means a meeting from which the public is excluded.

A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:

(1) Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;

(2) Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;

(3) The protection of the privacy of individuals and personnel matters not related to public business;

(4) Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;

(5) Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;

(6) Consultation, with or without legal counsel and staff, with respect to actual or potential litigation or other legal matters in the public body's jurisdiction;

(7) Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying

precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board is disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator.

The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:

1. Call to order
2. Public Input Session
3. Presentations
4. Public Hearings
5. Consensus Docket
6. Consideration Docket
7. Board Reports
8. County Administrator Report
9. Closed Meetings
10. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, salaries/expenditures and correspondence/reports for reading and review in advance of the meeting in an effort to

conserve time during the meeting. A copy of the agenda shall be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads, or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall not be appointed for a definite tenure, but shall be removable at the pleasure of the Board.

The County Administrator shall be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board.

His/her responsibility shall be in matters including but not limited to the following:

(1) Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.

(2) Drafting and preparing county ordinances, contracts and agreements.

(3) Defending or bringing actions in which the County or any of its boards, departments, agencies, officials, or employees is a party.

(4) Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances.

In addition the Board may employ separate counsel when it deems it necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

MUTUAL AID AGREEMENT – EMERGENCY MEDICAL SERVICE

Mr. Pennell stated at a previous meeting of the Board of Supervisors, the members directed that a Mutual Aid Agreement be developed to assist the Lancaster County Rescue Squads in responding to routine calls for service. The agreement has

been reviewed and approved by each rescue squad, the sheriff, the county attorney and a manager at Lifeline Ambulance.

Mr. Simmons made a motion to approve the agreement and authorize the county administrator to execute the necessary documents to facilitate the Mutual Aid Agreement and designate Lifeline Ambulance as a sole source provider until similar entities establish their businesses in Lancaster County.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

BUDGET WORK

Mr. Pennell stated the school board would have their budget in by April 1st and would like to know if the Board of Supervisors would like to have the other budget item submitted earlier to begin work.

By consensus of the Board of Supervisors the budgets will be due to the county administrator by January 31st to begin budget work sessions in February.

BOARD REPORTS

None

COUNTY ADMINISTRATOR REPORT

Mr. Pennell stated he received a letter for Mayor Edward Davis, Town of Kilmarnock asking for a letter of support from the Board of Supervisors for beautification and street scrape improvement program.

Mr. Jenkins made a motion to support the Kilmarnock TEA 21 grant program.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	Patrick G. Frere	Aye

Mr. Frere notified the Board of Supervisors that he would abstain from participating in the discussions at the following closed meeting. Mr. Frere left building for the remainder of the meeting.

CLOSED MEETING

Motion was made by Mr. Simmons to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are consultation with legal counsel regarding potential litigation by Towns of Kilmarnock and White Stone in the 2001 redistricting and specific legal matters that require legal advice section 2.2-3711.A.7 of the Code of Virginia.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	Cundiff H. Simmons	Aye
	F. W. Jenkins	Aye

Mr. Conaway left the meeting during the closed session.

RECONVENE

Motion was made by Mr. Beauchamp to reconvene open session.

VOTE:	B. Wally Beauchamp	Aye
	Cundiff H. Simmons	Aye
	F. W. Jenkins	Aye

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on this date, pursuant to an affirmative recorded vote on the motion to close the meeting to consult with legal counsel regarding potential litigation by Towns of Kilmarnock and White Stone in the 2001 redistricting and specific legal matters that require legal advice in accordance with section 2.2-3711.A.7 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification applies and (2) only such public business matters as

were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Beauchamp to certify the closed meeting. A roll call vote was taken:

B. Wally Beauchamp	Aye
Cundiff H. Simmons	Aye
F. W. Jenkins	Aye

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Simmons to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	Cundiff H. Simmons	Aye
	F. W. Jenkins	Aye